

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Before the Court for consideration is the Report and Recommendation of Magistrate Judge Robert J. Johnston, entered January 26, 2009 (#63). No objections have been filed.

The Court has conducted a review of the record in this case and determines that the Report and Recommendation (#63) of the United States Magistrate Judge entered January 26, 2009, should be affirmed.

IT IS THEREFORE ORDERED Magistrate Judge Johnston's Report and Recommendation (#63) be affirmed and adopted, and that Defendant's Motion to Dismiss Indictment (#38) be **DENIED**.

DATED: March 4, 2009

~~UNITED STATES DISTRICT COURT~~